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FILED

JUL 14 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

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17 UNITED STATES OF AMERICA,) No. CR 05-00445-RMW
18 Plaintiff,)
19 v.)
20 DAVID M. FISH,) STIPULATION REGARDING
21 aka x000x,) EXCLUDABLE TIME AND [PROPOSED]
22 CHIRAYU PATEL,) ORDER
23 aka nebula, aka nebwrk, aka aluben,)
24 aka notneb, aka aluben,)
25 WILLIAM VEYNA,)
26 aka guyzzz, aka - - -, aka 1010101,)
27 aka 5555, aka i_love_dact, aka 8675309,)
28 NATHANIEL E. LOVELL,)
29 aka Nate Lovell, aka pestilenc, aka pest,)
30 Defendants.)

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32 It is hereby stipulated and agreed between defendant David M. Fish, defendant Chirayu Patel,
33 defendant William Veyna, and defendant Nathaniel E. Lovell, and through their undersigned
34 counsel, and the United States as follows:

35 On July 14, 2005, the defendants were arraigned on a nine-count indictment, charging as
36 follows: Count One: Conspiracy to Commit Criminal Copyright Infringement, Infringement By

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38 STIPULATION REGARDING EXCLUDABLE TIME AND [PROPOSED] ORDER
39 CR 05-00445-RMW

1 Electronic Means, Infringement By Distributing A Commercial Distribution Work, Traffic in
2 Devices to Circumvent a Technological Measure that Protects a Copyright Work, Circumvent a
3 Technological Measure that Protects a Copyright Work, and Use Audiovisual Recording Devices
4 to Make Unauthorized Copies Of Audiovisual Works, in violation of 18 U.S.C. § 371; Count
5 Two: Circumventing a Technological Measure Protecting a Copyright Work and Aiding and
6 Abetting, in violation of 17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1), and 18 U.S.C. § 2; Counts
7 Three, Four and Five: Trafficking in Technology Primarily Designed to Circumvent
8 Technological Measures Protecting A Right of a Copyright Owner and Aiding and Abetting, in
9 violation of 17 U.S.C. §§ 1201(a)(2)(A), and 1204(a)(1) and 18 U.S.C. § 2; Counts Six, Seven,
10 Eight and Nine: Criminal Copyright Infringement By Electronic Means and Aiding and
11 Abetting, in violation of 17 U.S.C. § 506(a)(1)(B), 18 U.S.C. § 2319(c)(1) and 18 U.S.C. § 2;
12 and an allegation of Criminal Forfeiture and Destruction, in violation of 17 U.S.C. §§ 506(b) and
13 509(a). A status conference was set for ~~August 26~~^{September 26}, 2005 at 9:00 a.m. before the Honorable
14 Ronald M. Whyte.

15 In this case, the government is providing initial discovery to the defense. A substantial
16 amount of discovery consists of digital evidence. The parties stipulate and move the Court to
17 exclude time under the Speedy Trial Act from the date of the arraignment, July 14, 2005, until
18 the next status conference on ~~August 26~~^{September 26}, 2005, because the parties believe that the ends of justice
19 served by the granting of such a continuance outweigh the best interests of the public and the
20 defendant in a speedy trial, particularly since reasonable time is needed for the defense to prepare
21 for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The
22 parties further stipulate that time may be excluded for reasonable time for defense preparation,

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1 since the failure to exclude time would deny counsel for the defendant reasonable time necessary
2 for effective preparation, taking into account the exercise of due diligence, pursuant to 18 U.S.C.
3 §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

4 So stipulated.

5 Dated: July 14, 2005

KEVIN V. RYAN
United States Attorney

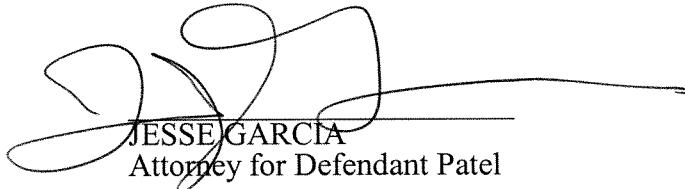
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MARK L. KROTKOFSKI
Assistant United States Attorney



So stipulated.

Dated: July 14, 2005


JESSE GARCIA
Attorney for Defendant Patel

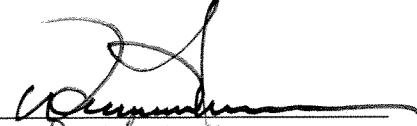
So stipulated.

Dated: July 14, 2005


Attorney for Defendant Fish

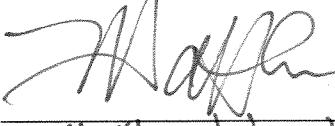
So stipulated.

Dated: July 14, 2005


DAVID E. KUNKEL
Attorney for Defendant Veyna

So stipulated.

Dated: July 14, 2005


MATTHEW J. JACOBS -
Attorney for Defendant Lovell

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the time between July 14, 2005 and ~~August~~ 17, 2005 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: July 1, 2005

HOWARD R. LLOYD
United States Magistrate Judge